

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PANDA RESEARCH AND
CAPITALIZATION, LLC,

Plaintiff,

-v-

AUDIENCE LAB, INC., *et al.*,

Defendants.

24 Civ. 3572 (PAE)

ORDER

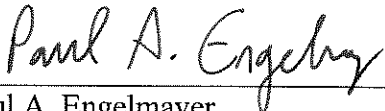
PAUL A. ENGELMAYER, District Judge:

On May 9, 2024, plaintiff Panda Research and Capitalization, LLC (“Panda Research”) filed this action against defendants Audience Lab, Inc., Jesse Gibson, and Adam Lucurne (collectively, “defendants”), alleging claims for breach of contract and negligence. Dkt. 1 (“Complaint”).

Rule 4(m) of the Federal Rules of Civil Procedure requires that a defendant be served with the Summons and Complaint within 90 days after the Complaint is filed. After Panda Research failed to do so, on December 16, 2024, the Court ordered Panda Research to advise the Court in writing, by December 30, 2024, why it failed to serve the Summons and Complaint within the 90-day period on defendants, or, if Panda Research believed that defendants had been served, when and in what manner such service was made. Dkt. 11. The Court warned that if the Court did not receive any written communication from Panda Research by December 30, 2024, showing good cause why such service was not made within 90 days, the Court would dismiss the claims against defendants. *Id.*

The deadline set by the Court's December 16, 2024 Order has long passed, but Panda Research has not filed any submission. Accordingly, under Rule 41(b) and the Court's inherent power, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–32 (1962), the Court hereby dismisses this case without prejudice for Panda Research's failure to prosecute.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: January 16, 2025
New York, New York